

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

James J. Hadenak
aka James J. Hadenak Sr.
Kimberly R. Hadenak
Debtor(s)

Bankruptcy Case No.: 15-20497-TPA
Per January 9, 2020 proceeding
Chapter: 13
Docket No.: 86 – 77, 80
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 2, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 58 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

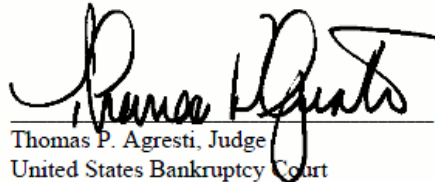
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: January 16, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 James J. Hadenak
 Kimberly R. Hadenak
 Debtors

Case No. 15-20497-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 48

Date Rcvd: Jan 16, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 18, 2020.

db/jdb +James J. Hadenak, Kimberly R. Hadenak, P.O. Box 723, New Salem, PA 15468-0723
 13996842 +Allied Interstate, P.O. Box 4000, Warrenton, VA 20188-4000
 13996848 +++BMG MUSIC SERVICE, MUSIC CUSTOMER SERVICE, 150 ALLEN DISTRIBUTION DR,
 MECHANICSBURG PA 17055-4702
 (address filed with court: BMG Music Service, Music Customer Service,
 1225 South Market Street, Mechanicsburg, PA 17055)
 13996849 +Bureau of Collection Recovery, 7575 Corporate Way, Eden Prairie, MN 55344-2022
 14011319 Commonwealth of PA - PA UC Fund, Dept. of Labor & Industry, Office of UC Tax Services,
 P.O. Box 67503, Harrisburg, PA 17106-7503
 13996854 +Erin P. Dyer, Esq., Dyer Law Firm, PC, 5743 Centre Avenue, Pittsburgh, PA 15206-3707
 13996855 +Fayette County Juvenile Probation Office, 34 West Peter Street, Uniontown, PA 15401-3326
 13996856 +Fayette County Tax Claim Bureau, Fayette County Courthouse, 61 East Main Street,
 Uniontown, PA 15401-3514
 13996857 +Fayette County Tax Claim Bureau, c/o John M. Zeglen, Esq., 99 East Main Street,
 Uniontown, PA 15401-3519
 13996858 +Freedom Consumer Discount Company, 448 West Main Street, Mount Pleasant, PA 15666-1542
 14011320 +Guardian Protection Services, 650 Ridge Road, Pittsburgh, PA 15205-9504
 13996861 HSBC Card Services, P.O. Box 80084, Salinas, CA 93912-0084
 13996863 LHR, Inc., 56 Main Street, Hamburg, NY 14075-4905
 14011321 +Lori Nolan Lindsey, Esq., 11 Stanwix Street--Suite 1024, Pittsburgh, PA 15222-1312
 13996865 +PA Unemployment Compensation Fund, Department of Labor and Industry,
 Office of UC Tax Services, 625 Cherry Street--Room 203, Reading, PA 19602-1152
 13996869 PNC Bank, P.O. Box 609, Pittsburgh, PA 15230-0609
 13996874 +Tarpley Foot & Ankle Center, 20 Highland Park Drive, Uniontown, PA 15401-8922
 13996875 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/Text: bankruptcy.bnc@ditech.com Jan 17 2020 03:15:58 DITECH FINANCIAL LLC,
 P.O. Box 6154, Rapid City, SD 57709-6154
 cr +E-mail/Text: bankruptcy.bnc@ditech.com Jan 17 2020 03:15:58 Ditech Financial LLC,
 PO BOX 0049, Palatine, IL 60055-0001
 cr E-mail/Text: bankruptcy.bnc@ditech.com Jan 17 2020 03:15:58 GREEN TREE SERVICING LLC,
 PO BOX 0049, PALATINE, IL 60055-0049
 13996841 +E-mail/Text: EBNProcessing@afni.com Jan 17 2020 03:17:07 AFNI, P.O. Box 3667,
 Bloomington, IL 61702-3667
 13996846 E-mail/Text: g20956@att.com Jan 17 2020 03:17:38 AT&T Mobility, 5020 Ash Grove Road,
 Springfield, IL 62711-6329
 13996847 +E-mail/Text: g20956@att.com Jan 17 2020 03:17:38 AT&T Mobility II, LLC,
 c/o AT&T Services, Inc., One AT&T Way--Room 3A104, Bedminster, NJ 07921-2694
 13996844 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 17 2020 03:24:22 American InfoSource,
 Verizon, P.O. Box 248838, Oklahoma City, OK 73124-8838
 13996843 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 17 2020 03:24:22 American InfoSource,
 P.O. Box 248838, Oklahoma City, OK 73124-8838
 14041110 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 17 2020 03:23:42
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 13996845 E-mail/Text: bnc-applied@quantum3group.com Jan 17 2020 03:17:28 Applied Bank,
 P.O. Box 17125, Wilmington, DE 19850-7125
 13996850 +E-mail/PDF: resurgentbknofications@resurgent.com Jan 17 2020 03:22:58 CACH, LLC,
 4340 South Monaco Street--2nd Floor, Denver, CO 80237-3485
 13996851 +E-mail/Text: bankruptcy@cvps.com Jan 17 2020 03:17:25 Cavalry Portfolio Services,
 500 Summit Lake Drive--Suite 400, Valhalla, NY 10595-2322
 14025540 +E-mail/Text: bankruptcy@cvps.com Jan 17 2020 03:17:25 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 13996852 E-mail/Text: G06041@att.com Jan 17 2020 03:17:30 Direct TV, P.O. Box 78626,
 Phoenix, AZ 85062-8626
 13996853 E-mail/Text: Bankruptcy.Consumer@dish.com Jan 17 2020 03:16:47 Dish Network,
 P.O. Box 94063, Palatine, IL 60094-4063
 14011765 E-mail/Text: bankruptcy.bnc@ditech.com Jan 17 2020 03:15:58 GREEN TREE SERVICING LLC,
 P.O. BOX 6154, RAPID CITY SD, 57709-6154, 888-298-7785
 13996859 E-mail/Text: bankruptcy.bnc@ditech.com Jan 17 2020 03:15:58 Green Tree Servicing, LLC,
 MHD Bankruptcy Department, P.O. Box 6154, Rapid City, SD 57709-6154
 13996860 E-mail/Text: dleabankruptcy@hrblock.com Jan 17 2020 03:15:43 H & R Block Bank,
 P.O. Box 10170, Kansas City, MO 64171-0170
 13996862 E-mail/Text: JCAP_BNC_Notices@jcap.com Jan 17 2020 03:17:15 Jefferson Capital Systems,
 P.O. Box 7999, Saint Cloud, MN 56302-9617
 13996864 +E-mail/Text: bankruptcydepartment@tsico.com Jan 17 2020 03:17:45
 NCO Financial Systems, Inc., P.O. Box 15270, Wilmington, DE 19850-5270
 13996870 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 17 2020 03:22:51
 Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502
 13996866 E-mail/Text: bnc-quantum@quantum3group.com Jan 17 2020 03:16:22 Paradise Cash Advance,
 c/o Quantum3 Group, LLC, Agent for MOMA Funding, LLC, P.O. Box 788,
 Kirkland, WA 98083-0788

District/off: 0315-2

User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 48

Date Rcvd: Jan 16, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13996868 +E-mail/PDF: resurgentbknofications@resurgent.com Jan 17 2020 03:24:18
Pinnacle Credit Service, P.O. Box 640, Hopkins, MN 55343-0640
13996871 +E-mail/Text: csidl@sbcglobal.net Jan 17 2020 03:17:33 Premier BankCard/Charter,
P.O. Box 2208, Vacaville, CA 95696-8208
13996872 E-mail/Text: bnc-quantum@quantum3group.com Jan 17 2020 03:16:22 Quantum3 Group, LLC,
MOMA Funding, LLC, P.O. Box 788, Kirkland, WA 98083-0788
13996873 E-mail/Text: bankruptcy@sw-credit.com Jan 17 2020 03:16:50 Southwest Credit Systems,
4120 International Parkway--Suite 1100, Carrollton, TX 75007-1958
13996876 +E-mail/Text: BankruptcyNotice@upmc.edu Jan 17 2020 03:17:43 UPMC Physician Services,
1650 Metropolitan Street, Third Floor--Customer Service, Pittsburgh, PA 15233-2212
13996877 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jan 17 2020 03:14:37
Verizon, Attn: Bankruptcy, 500 Technology Drive, Weldon Spring, MO 63304-2225
13996878 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jan 17 2020 03:14:37
Verizon Wireless Bankruptcy Admin., P.O. Box 3397, Bloomington, IL 61702-3397
13996879 +E-mail/Text: bankruptcy@firstenergycorp.com Jan 17 2020 03:16:56 West Penn Power,
1310 Fairmont Avenue, Fairmont, WV 26554-3526

TOTAL: 30

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr U.S. Bank, N.A. Et Al...
14011318 ##+Colonial Acceptance, 312 Fallowfield Avenue, P.O. Box 25, Charleroi, PA 15022-0025
14011322 ##+Open Air Imaging, Inc., 280 McClellandtown Road--Suite D, Uniontown, PA 15401-3111
13996867 ##+Penn Rehab Network, 625 Cherry Tree Lane, Uniontown, PA 15401-8419

TOTALS: 1, * 0, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 18, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 16, 2020 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor Kimberly R. Hadenak zmwchapter13@gmail.com,
gianna@zeblaw.com/sheila@zeblaw.com/r63228@notify.bestcase.com
Daniel R. White on behalf of Plaintiff Kimberly R. Hadenak zmwchapter13@gmail.com,
gianna@zeblaw.com/sheila@zeblaw.com/r63228@notify.bestcase.com
Daniel R. White on behalf of Plaintiff James J. Hadenak zmwchapter13@gmail.com,
gianna@zeblaw.com/sheila@zeblaw.com/r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor James J. Hadenak zmwchapter13@gmail.com,
gianna@zeblaw.com/sheila@zeblaw.com/r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor U.S. Bank, N.A. Et Al... bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor U.S. Bank, N.A. Et Al... bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 8